IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8311 OF 2006

1. The State of Maharashtra & 3 ors.] .. Petitioners

Versus

Shri Achutrao Dattatraya] .. Respondent

Mr. S.K. Chincholikar, AGP, for the petitioners.

Mr. C.V. Lad for the respondent.

CORAM: S.B. MHASE, &
R.S. MOHITE, JJ.

DATED: 13TH APRIL, 2007

P.C. :

. Heard.

2. The learned Assistant Government Pleader submitted that Rule 11(2)(b) of the Maharashtra Civil Services (Pay) Rules, 1981 as substituted with effect from 1st January, 1986 by Notification dated 20th December, 1991, was not applicable while carrying out any pay fixation of the respondent. He submitted that the respondent retired in 1989 and, therefore, the said Rule is not applicable. However, what we see is that the respondent retired on 20th February, 1998 and thus he is expected to be in service till 1998 and the Rule

as amended by the Notification was applicable. We also find that the present officer has fairly conceded to this position before the Maharashtra Administrative Tribunal and on the basis of that concession, the impugned order has been passed.

3. No interference is called for. Petition is hereby rejected.

Sd/-
[R.S. MOHITE, J.]

Sd/-
[S.B. MHASE, J.]